

### REMARKS

Claims 1-8 and 10-20 are pending in this Application.

Applicant gratefully acknowledges the Examiner's indication that claims 3-8 and 17-20 are allowed and claim 16 would be allowable if rewritten in independent form. However, for at least the reasons discussed below, Applicant respectfully submits that all claims herein are allowable.

Claims 1, 2, and 10-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Sones (US Patent No. 5,911,003) in view of Mizukura et al. (USPAP 2006/0012808 and hereinafter Mizukura), and further in view of Garcynski et al. (US Patent No. 6,357,7658, and hereinafter "Garcynski").

Applicant respectfully traverses this rejection in the following discussion.

#### I. THE PRIOR ART REJECTION

In rejecting claims 1, 2, and 10-15 the Examiner alleges that one of ordinary skill in the art would have combined Sones with Mizukura and Garcynski to render obvious the claimed invention. Applicant respectfully submits, however, that the references would not have been combined as alleged by the Examiner and that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

However, in the interest of expediting prosecution, Applicant notes that the present Application has a filing date (April 8, 2004) which is prior to the effective date (January 19, 2006) of Mizukura.

That is, Mizukura originated from a PCT application having a filing date of February 26, 2003, but was published on September 25, 2003 in Japanese, not in English. Therefore Mizukura has no §102(e) date (see MPEP §706.02 (f) (1)). The effective date of Mizukura, as a reference, is January 19, 2006 (its publication date), not February 26, 2003, as considered by the Examiner. Therefore Mizukura is not a 35 U.S.C. §102(e) reference as alleged by the Examiner. Should the Examiner attempt to apply the underlying PCT publications corresponding to Mizukura, Applicant reserves the opportunity to file a verified translation of the priority document.

Therefore, Mizukura is not prior art against the claimed invention and the rejection of record fails to establish a *prima facie* rejection. Therefore, the Examiner is respectfully

requested to withdraw this rejection.

## II. FORMAL MATTERS AND CONCLUSION

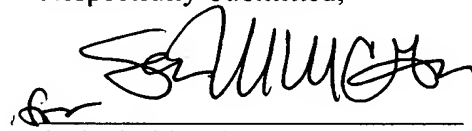
In view of the foregoing, Applicant submits that claims 1-8 and 10-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Date: 4/10/09

Respectfully Submitted,

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